

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA RAY TYNER	:	CIVIL ACTION
	:	
v.	:	
	:	
COUNTY OF LANCASTER, PRIMECARE	:	
MEDICAL INC., CHERYL STEMBERGER	:	
and LORI HEHNLY	:	NO. 18-3306

ORDER

NOW, this 6th day of June, 2019, upon consideration of plaintiff's Application for Prisoners to Proceed in District Court Without Prepaying Fees or Costs (Document No. 22), his Prisoner Account Statement, and the Complaint, it is **ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DISMISSED WITHOUT PREJUDICE** as to defendants County of Lancaster, PrimeCare Medical, Inc., and Cheryl Stemberger only.
3. Plaintiff, Joshua Ray Tyner, # NH 2996, shall pay the filing fee of \$350, in installments, regardless of the outcome of this case.¹
4. The Warden or other appropriate official at SCI-Phoenix shall assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to plaintiff's prison account; or (b) the average monthly balance in plaintiff's prison account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court to be credited to **Civil Action No. 18-3306**, to the following address:

¹ In other words, if plaintiff's case is dismissed, payment of the fee will continue to be deducted from his prisoner account statement until the fee is paid in full.

Clerk of the United States District Court
for the Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, Pennsylvania 19106.

5. The Warden or other appropriate official at SCI-Phoenix or any prison at which the plaintiff may be incarcerated shall, after the initial partial filing fee is paid and until the balance of the filing fee is paid in full, deduct from the plaintiff's account each time that the plaintiff's prisoner account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount, to be credited to **Civil Action No. 19-3066**, to the address provided in ¶ 4.

6. The complaint is deemed filed.

7. Plaintiff is granted leave to file an amended complaint within thirty days of the date of this Order.

8. If an amended complaint is filed, the Clerk shall not make service until ordered to do so.

9. If plaintiff does not file an amended complaint within thirty days, the complaint shall be served on Lori Hehnly only.

10. The Clerk of Court is directed to forward a copy of this Order to the Warden of SCI-Phoenix and to the plaintiff.

11. If plaintiff fails to comply with this Order, his case will be dismissed.

/s/ TIMOTHY J. SAVAGE J.